

Attorney's Docket No. HTC-003

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

The residence, mailing address and citizenship are stated below next to my name.

I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "METHOD FOR SURGICALLY JOINING A VENTRICULAR ASSIST DEVICE TO THE CARDIOVASCULAR SYSTEM OF A LIVING SUBJECT USING A PIERCING INTRODUCER ASSEMBLY", the Specification of which:

XXXX is attached hereto; or

\_\_\_\_\_ was filed on \_\_\_\_\_ as United States Application

Serial No. \_\_\_\_\_; and

\_\_\_\_\_ was filed on \_\_\_\_\_ as PCT International Application

No. \_\_\_\_\_.

I hereby state that I have received and understand the contents of the above-identified Specification, including the claims, as amended by any amendment specially referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 35 U.S.C. 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable.

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\_\_\_\_\_ I hereby claim foreign priority benefits under Title 35, United States Code, Sections 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority claimed

.....NONE.....  
(Number) (Country) (Day/month/year/filed)

Yes

No

.....  
\_\_\_\_\_ I hereby claim the benefit under 35 U.S.C. 119(e) of the United States  
Provisional Patent Application(s) listed below:

-----None-----

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XXXX I hereby claim the benefit under 35 U.S.C. 120 of any United States  
application(s), or 365(c) of any PCT international application designating the  
United States of America, listed below and, insofar as the subject matter of  
each the claims of this application is not disclosed in the prior United States  
or PCT international application(s) in the manner provided by the first  
paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information  
which is material to patentability as defined 37 C.F.R. 156 which occurred  
between the filing date of the prior application(s) and the national or PCT  
international filing date of this application:

This application is a Continuation-In-Part of U.S. Patent Application  
Serial No. 10/748,036 filed December 29, 2003, now pending; which is a  
Continuation of U.S. Patent Application Serial No. 09/713,589 filed  
November 15, 2000, now U.S. Patent No. 6,669,708 issued December 30,  
2003.

.....  
POWER OF ATTORNEY: As a named inventor, I hereby appoint he  
following attorney to prosecute this application and transact all business in  
the Patent and Trademark Office connected therewith; and, in addition, to  
act as Agent on my behalf before the competent International Authorities and  
before the National Authorities for any designated countries in connection  
with any and all international applications filed or to be filed by the  
undersigned.

David Prashker  
Registration Number 29,693

.....  
SEND CORRESPONDENCE TO: David Prashker, P.C.  
P.O. Box 5387  
Magnolia, Massachusetts 01930  
.....

DIRECT INQUIRES TO THE ATTENTION OF: David Prashker, Esq.

DIRECT TELEPHONE CALLS TO: (978) 525-3794

DIRECT FACSIMILE TRANSMISSIONS TO: (978) 525-3791

DIRECT E-MAIL TRANSMISSIONS TO: bearbonz@earthlink.net

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Full Name of sole inventor: Ducksoo Kim

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Dover, Massachusetts                      Citizenship: U.S.

Mailing Address: 9 Cedarhill Road, Dover, MA 02030  
.....

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ducksoo Kim  
Serial No. : yet to be provided  
Filed : herewith  
For : "METHOD FOR SURGICALLY JOINING A  
VENTRICULAR ASSIS DEVICE TO THE  
CARDIOVASCULAR SYSTEM OF A LIVING SUBJECT  
USING A PIERCING INTRODUCER ASSEMBLY"

Attorney's Docket No : HTC-003

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WRITTEN ASSERTION OF SMALL ENTITY STATUS  
PURSUANT TO 37 C.F.R. 1.27

Commissioner for Patents  
P.O. Box 1450  
Mail Stop: Patent Application  
Alexandria, Virginia 22313-1450


Dear Sir:

Pursuant to the provisions of 37 C.F.R. 1.27 as amended and effective September 8, 2000 and in accordance with Section 1.27(c) in particular, the above-identified applicants hereby formally present and file their written assertion of entitlement to Small Entity Status.

Respectfully submitted,

DUCKSOO KIM

Date: Feb. 25, 2004  
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By:   
David Prashker  
Reg. No. 29,693  
Attorney for applicant